

S.65

An act relating to banning baby bumper pads

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 9 V.S.A. chapter 63, subchapter 1B is amended to read:

Subchapter 1B. Children's Product Safety

§ 2470a. ~~DEFINITION~~ DEFINITIONS

As used in this subchapter;

(1) "Baby bumper pad" means a pad of nonmesh material:

(A) designed to rest directly above the mattress in a crib, or to run the circumference of a crib or along the length of an interior side of a crib; and

(B) intended to be used until the age an infant pulls to stand.

(2)(A) ~~"children's~~ Children's product" means a product that is designed or intended for the care of, or use by, children under six years of age (whether or not it is also designed or intended for the care of or use by children six years of age or older), and the product is designed or intended to come into contact with the child while the product is used.

(B) A product is not a "children's product" for purposes of this subchapter if:

~~(1)~~(i) it may be used by or for the care of a child under six years of age, but is designed or intended for use by the general population, and not solely or primarily for use by or the care of a child; or

~~(2)~~(ii) it is a medication, drug, or food or is intended to be ingested.

§ 2470b. UNSAFE CHILDREN'S PRODUCTS; PROHIBITION

* * *

(e) It shall be an unfair or deceptive act or practice in commerce and a violation of section 2453 of this title, subject to enforcement and subject to the rights and remedies provided by subchapter 1 of this chapter, for a person to manufacture, and to sell, contract to sell, resell, lease, sublet, or otherwise place in the stream of commerce, the following:

(1) on or after January 1, 2002, a children's product that does not conform to all federal laws and regulations setting forth standards for the children's product, including standards endorsed or established by the federal Consumer Product Safety Commission and the American Society for Testing and Materials; and

(2) a baby bumper pad.

* * *

§ 2470d. PENALTY; REMEDIES

(a) A seller or lessor who willfully and knowingly violates any provision of this subchapter shall be imprisoned not more than one year or fined not more than \$1,000.00, or both.

(b) The rights and remedies available under this subchapter are in addition to any other rights and remedies that may exist in law or in equity for an aggrieved party; or for the Attorney General.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2019.